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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 KOUNTA OUSMANE,)
09) CASE NO. C11-1411-MJP
10 Petitioner,)
11 v.)
12) REPORT AND RECOMMENDATION
13 ERIC HOLDER, Attorney General of the)
United States,)
Respondent.)
_____)

14 Petitioner Kounta Ousmane has filed a Petition for Writ of Habeas Corpus pursuant to
15 28 U.S.C. § 2241, challenging the lawfulness of his continued detention by the United States
16 Immigration and Customs Enforcement (“ICE”). (Dkt. No. 8.) He requests that the Court
17 order his release from custody, arguing that “such custody violates the due process rights of the
18 Petitioner.” *Id.* at 2. On December 2, 2011, however, respondent filed supplemental briefing
19 along with documentation which indicates that petitioner was transferred to Baltimore,
20 Maryland and released under an Order of Supervision. (Dkt. No. 30, Ex. A.) Respondent
21 asserts that because petitioner has been released from detention, his habeas petition has become
22 moot and should be dismissed. *Id.*

01 “Article III of the Constitution limits federal ‘Judicial Power,’ that is, federal-court
02 jurisdiction, to ‘Cases’ and ‘Controversies.’” *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388,
03 395 (1980). For a federal court to have jurisdiction, “an actual controversy must exist at all
04 stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th
05 Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* “For a habeas
06 petition to continue to present a live controversy after the petitioner’s release . . . there must be
07 some remaining collateral consequence that may be redressed by success on the petition.” *See*
08 *Abdala v. Immigration and Naturalization Serv.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (internal
09 quotation marks omitted).

10 Here, petitioner does not challenge his underlying removal order, but merely his
11 continued detention pending the execution of that order. His release from detention, therefore,
12 has arguably resulted in the termination of any detention. Because no collateral consequences
13 remain, and there is no relief left to grant on his petition, the Court finds that petitioner’s habeas
14 petition is moot and should be dismissed. *See Abdala*, 488 F.3d at 1065 (holding that removal
15 mooted habeas challenge to length of detention); *see also Picrin-Peron v. Rison*, 930 F.2d 773,
16 776 (9th Cir. 1991) (finding that because petitioner only requested release from custody and had
17 been released, the court could provide no further relief and the petition was properly dismissed).

18 A proposed Order accompanies this Report and Recommendation.

19 DATED this 14th day of December, 2011.

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21 Mary Alice Theiler
22 United States Magistrate Judge